

## REMARKS

Claims 1-43 stand rejected. Claims 1-43 remain pending in the patent application. Applicants respectfully request further examination and reconsideration in view of the remarks set forth below. Applicants believe that the amendments herein to the patent application do not add new matter to it.

### 35 U.S.C. §103 Rejections

Claims 1-6, 8, 9, 13-21, 23, 24, 28-36, 38, 42 and 43 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma, U.S. Patent Number 5,771,355 (hereinafter Kuzma), in view of Hoffert et al., U.S. Patent Number 5,903,892 (hereinafter Hoffert), in further view of Rudy et al., U.S. Patent Number 6,360,252. Claims 7, 22 and 37 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma in view of Hoffert in further view of Hsu et al., U.S. Patent Number 6,295,058 (hereinafter Hsu). Claims 10-12, 25-27 and 39-41 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma in view of Hoffert in further view of Thurlow et al., U.S. Patent Number 6,457,879 (hereinafter Thurlow). Claims 1, 16, and 31 are also rejected under 35 U.S.C. §103(a) as being unpatentable over Kuzma in view of Hoffert in further view of Visual Preview for Link Traversal on the WWW, Kopetzky, T. et al. (hereinafter Kopetzky).

### CLAIM 1

Applicants respectfully contend that Kuzma, Hoffert, and Rudy, alone or in combination, and Kuzma, Hoffert, and Kopetzky, alone or in combination, do not teach

or suggest subject matter recited within newly amended independent Claim 1. For instance, amended Claim 1 recites (emphasis added):

A system comprising:  
a sender client configured to send a location message comprising a recipient address, a handle to a media file, a preview of the media file, and a copyright indication for the media file;  
a receiver client; and  
a server configured to receive the location message from the sender client and to send the location message to the receiver client that corresponds with the recipient address;  
wherein the receiver client is configured to receive the location message from the server, to check for a connection to the sender client on which to receive the media file upon receiving the location message, and to access the media file from the sender client.

Applicants respectfully assert that Kuzma, Hoffert, and Rudy, alone or in combination, and Kuzma, Hoffert, and Kopetzky, alone or in combination, fail to teach or suggest a location message that includes a preview of the media file as specifically recited in amended Claim 1.

First, with respect to Rudy, to the extent that Rudy may teach a descriptor that may include a preview for an email **attachment**, Applicants respectfully submit that by teaching an email **attachment**, Rudy **teaches away** from embodiments as recited in Claim 1. Thus, one of ordinary skill in the art would not be motivated to combine the teachings of Rudy with any reference to create the present invention as claimed.

With respect to Kopetzky, Applicants respectfully submit that to the extent that Kopetzky may teach a preview of a **web page** to which a **hyperlink in another web page** points, Kopetzky does not teach or suggest a preview to a media file contained within a location message sent by a sender client and received by a receiver client. Furthermore, because Kopetzky concerns links between web pages, Applicants

respectfully submit that one of ordinary skill in the art would not be motivated to incorporate any of its teachings in peer to peer delivery of media files.

Furthermore, Applicants respectfully submit that Kuzma, Hoffert, and Rudy, alone or in combination, and Kuzma, Hoffert, and Kopetzky, alone or in combination, fail to teach or suggest a receiver client configured to check for a connection to the sender client on which to receive the media file upon receiving the location message, as recited in Claim 1. Examiner acknowledges that Kuzma does not teach this limitation [Rejection, page 5, par. 4]. Furthermore, Hoffert, Rudy, and Kopetzky are all silent with regard to this limitation. Moreover, Applicants respectfully submit that Thurlow, which Examiner has cited against this limitation as recited in a previous version of Claim 12 [Rejection, page 5, par. 3], alone or in combination with Kuzma, Hoffert, Rudy, and Kopetzky, does not teach or suggest this limitation. Thurlow merely discusses an email program detecting an active connection to a **mail server** [Thurlow, col. 15, lines 51-57]. Applicants respectfully submit that Thurlow specifically does not teach or suggest checking for a connection to a **sender client** on which to receive a **media file, upon receipt of a location message**, as specifically recited in Claim 1.

Since the cited references fail to teach or suggest at least one limitation as recited in Claim 1, Applicants respectfully submit that Claim 1 overcomes both rejections under 35 U.S.C. § 103 and is thus in condition for allowance.

#### CLAIM 16

Regarding Claim 16, Examiner asserts that Claim 16 is “substantially the same” as Claim 1 [Rejection, page 5, par. 8]. Applicants respectfully object to this

generalization, pointing out that Claim 1 recites accessing the media file from the **sender client**, while Claim 16 recites accessing the media file from the **peer receiver client**. As such, Applicants respectfully submit that the same rationale of rejection cannot apply to both Claim 1 and Claim 16. Furthermore, Applicants respectfully contend that Kuzma, Hoffert, and Rudy, alone or in combination, and Kuzma, Hoffert, and Kopetzky, alone or in combination, do not teach or suggest subject matter recited within newly amended independent Claim 16. For instance, amended Claim 16 recites (emphasis added):

A system comprising:

- a sender client coupled to send a location message comprising a recipient address, a handle to a media file, a preview of the media file, and a title of the media file;

- a receiver client; and

- a server coupled to receive the location message from the sender client and for sending the location message to the receiver client that corresponds with the recipient address;

- wherein the receiver client is coupled to receive the location message from the server, to check for a connection to a peer receiver client on which to receive the media file upon receipt of the location message, and to access the media file from the peer receiver client.

Applicants respectfully assert that Kuzma, Hoffert, and Rudy, alone or in combination, and Kuzma, Hoffert, and Kopetzky, alone or in combination, fail to teach or suggest a location message that includes a preview of the media file as specifically recited in amended Claim 16.

First, with respect to Rudy, to the extent that Rudy may teach a descriptor that may include a preview for an email **attachment**, Applicants respectfully submit that by teaching an email **attachment**, Rudy **teaches away** from embodiments as recited in Claim 16. Thus, one of ordinary skill in the art would not be motivated to combine the teachings of Rudy with any reference to create the present invention as claimed.

With respect to Kopetzky, Applicants respectfully submit that to the extent that Kopetzky may teach a preview of a **web page** to which a **hyperlink in another web page** points, Kopetzky does not teach or suggest a preview to a media file contained within a location message sent by a sender client and received by a receiver client. Furthermore, because Kopetzky concerns links between web pages, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to incorporate any of its teachings in peer to peer delivery of media files.

Furthermore, Applicants respectfully submit that Kuzma, Hoffert, and Rudy, alone or in combination, and Kuzma, Hoffert, and Kopetzky, alone or in combination, fail to teach or suggest a receiver client configured to check for a connection to a peer receiver client on which to receive the media file upon receiving the location message, as recited in Claim 16. Examiner acknowledges that Kuzma does not teach this limitation [Rejection, page 5, par. 4]. Furthermore, Hoffert, Rudy, and Kopetzky are all silent with regard to this limitation. Moreover, Applicants respectfully submit that Thurlow, which Examiner has cited against this limitation as recited in a previous version of Claim 27 [Rejection, page 5, par. 3], alone or in combination with Kuzma, Hoffert, Rudy, and Kopetzky, does not teach or suggest this limitation. Thurlow merely discusses an email program detecting an active connection to a **mail server** [Thurlow, col. 15, lines 51-57]. Applicants respectfully submit that Thurlow specifically does not teach or suggest checking for a connection to a **peer receiver client** on which to receive a **media file, upon receipt of a location message** as specifically recited in Claim 16.

Since the cited references fail to teach or suggest at least one limitation as recited in Claim 16, Applicants respectfully submit that Claim 16 overcomes both rejections under 35 U.S.C. § 103 and is thus in condition for allowance.

### CLAIM 31

Applicants respectfully contend that Kuzma, Hoffert, and Rudy, alone or in combination, and Kuzma, Hoffert, and Kopetzky, alone or in combination, do not teach or suggest subject matter recited within newly amended independent Claim 31. For instance, amended Claim 31 recites (emphasis added):

A method comprising:  
    sending a location message from a sender client to a server, the location message comprising a recipient address, a handle for a media file, a preview of the media file, and a copyright indication for the media file;  
    sending the location message from the server to a receiver client that corresponds with the recipient address;  
    checking, upon receipt of the location message at the receiver client, for a connection from the receiver client to the sender client on which to access the media file;  
    if none is found, checking for a connection to the peer receiver client on which to access the media file; and  
    accessing the media file from a source selected from the sender client and a peer receiver client.

Applicants respectfully assert that Kuzma, Hoffert, and Rudy, alone or in combination, and Kuzma, Hoffert, and Kopetzky, alone or in combination, fail to teach or suggest a location message that includes a preview of the media file as specifically recited in amended Claim 31.

First, with respect to Rudy, to the extent that Rudy may teach a descriptor that may include a preview for an email **attachment**, Applicants respectfully submit that by teaching an email **attachment**, Rudy **teaches away** from embodiments as recited in

Claim 31. Thus, one of ordinary skill in the art would not be motivated to combine the teachings of Rudy with any reference to create the present invention as claimed.

With respect to Kopetzky, Applicants respectfully submit that to the extent that Kopetzky may teach a preview of a **web page** to which a **hyperlink in another web page** points, Kopetzky does not teach or suggest a preview to a media file contained within a location message sent by a sender client and received by a receiver client. Furthermore, because Kopetzky concerns links between web pages, Applicants respectfully submit that one of ordinary skill in the art would not be motivated to incorporate any of its teachings in peer to peer delivery of media files.

Furthermore, Applicants respectfully submit that Kuzma, Hoffert, and Rudy, alone or in combination, and Kuzma, Hoffert, and Kopetzky, alone or in combination, fail to teach or suggest a receiver client configured to check for a connection to the sender client on which to receive the media file upon receiving the location message and, if none is found checking for a connection to the peer receiver client on which to access the media file, as recited in Claim 31. Examiner acknowledges that Kuzma does not teach these limitation [Rejection, page 5, par. 4]. Furthermore, Hoffert, Rudy, and Kopetzky are all silent with regard to these limitations. Moreover, Applicants respectfully submit that Thurlow, which Examiner has cited against this limitation as recited in a previous version of Claim 41 [Rejection, page 5, par. 3], alone or in combination with Kuzma, Hoffert, Rudy, and Kopetzky, does not teach or suggest these limitations. Thurlow merely discusses an email program detecting an active connection to a **mail server** [Thurlow, col. 15, lines 51-57]. Applicants respectfully submit that Thurlow specifically does not teach or suggest checking **upon receipt of a location**

**message**, for a connection to the **sender client** on which to receive a **media file**, as specifically recited in Claim 31. Furthermore, Thurlow does not teach or suggest checking for a connection to the **peer receiver client if a connection to the sender client is not found**, as further recited in Claim 31.

Since the cited references fail to teach or suggest at least one limitation as recited in Claim 31, Applicants respectfully submit that Claim 31 overcomes both rejections under 35 U.S.C. § 103 and is thus in condition for allowance.



### CONCLUSION

In light of the above listed remarks, Applicants respectfully request reconsideration of the rejected claims. Based on the arguments presented above, Applicants respectfully assert that Claims 1-43 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these Claims.

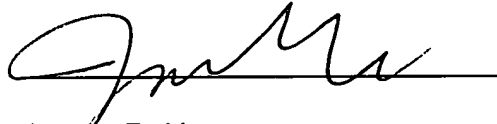
The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Respectfully submitted,

WAGNER, MURABITO & HAO LLP

Dated: \_\_\_\_\_

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